

**ASSEMBLY BILL**

**No. 609**

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**Introduced by Assembly Member Swanson**

February 16, 2011

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An act to amend Section 41326.1 of the Education Code, relating to school districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 609, as introduced, Swanson. School districts: state administrators.

(1) Existing law provides for emergency apportionments made by the state to school districts that are experiencing financial problems or that become insolvent. Existing law requires the Superintendent of Public Instruction to appoint a trustee to any district that has accepted emergency apportionments because it has determined during a fiscal year that its revenues are less than the amount necessary to meet its current year expenditure obligations.

Existing law further provides that if a school district accepts an emergency apportionment that exceeds an amount equal to 200% of the amount of reserve recommended for that district, as specified, the Superintendent must, among other things, assume the legal rights, duties, and powers of the governing board and appoint an administrator to act on his or her behalf.

Existing law requires the Superintendent and the state-appointed administrator to prepare reports and plans, including a management review and recovery plan, a multiyear financial recovery plan, and an annual report on the financial condition of the district, as specified.

Existing law further requires that, within 30 days of assuming authority, the state-appointed administrator discuss options for resolving

the fiscal problems of the district with several designated groups, and consider, on at least a monthly basis, information from one or more of these groups.

This bill would additionally require the state-appointed administrator, within 60 calendar days of assuming authority, and at intervals of no more than 90 calendar days thereafter during the term of his or her authority, to convene a meeting open to the public. The bill would require that at least 14 calendar days' notice of the location, date, and time of the public meeting be provided on the Internet Web site of the district, and that the location, date, and time of the public meeting reasonably be expected to accommodate attendance of members of the community. The bill would require the meeting to provide an opportunity for free discussion of the issues facing the district.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 41326.1 of the Education Code is  
2 amended to read:  
3 41326.1. (a) Within 30 *calendar* days of assuming authority,  
4 an administrator who has control over a school district pursuant  
5 to Section 41326 shall discuss options for resolving the fiscal  
6 problems of the district with all of the following groups, and shall  
7 consider, on a monthly basis, or more frequently if so desired by  
8 the administrator, information from one or more of the following  
9 groups:  
10 (a)  
11 (1) The governing board of the school district.  
12 (b)  
13 (2) Any advisory council of the school district.  
14 (c)  
15 (3) Any parent-teacher organization of the school district.  
16 (d)  
17 (4) Representatives from the community in which the school  
18 district is located.  
19 (e)  
20 (5) The district administrative team.  
21 (f)

1 (6) The County Office Fiscal Crisis and Management Assistance  
2 Team.

3 ~~(g)~~

4 (7) Representatives of employee bargaining units.

5 ~~(h)~~

6 (8) The county superintendent of schools.

7 (b) *Within 60 calendar days of assuming authority, and at*  
8 *intervals of no more than 90 calendar days thereafter during the*  
9 *term of his or her authority, the administrator shall convene a*  
10 *meeting open to the public. Reasonable notice of the meeting shall*  
11 *be provided on the Internet Web site of the district, and the*  
12 *location, time, and date of the public meeting shall be posted no*  
13 *less than 14 calendar days before the meeting is to be convened.*  
14 *The meeting shall be convened at a site located within the district*  
15 *that can accommodate the attendance that is reasonably*  
16 *anticipated and on a date, and at a time of day, that can reasonably*  
17 *be expected to be convenient for the attendance of members of the*  
18 *community. The public meeting shall provide an opportunity for*  
19 *free discussion of the issues facing the district.*